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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,823	11/16/2001	Ameha Aklilu	RPS9 2001 0107	3066
47052	7590	02/22/2005	EXAMINER	
SAWYER LAW GROUP LLP			PATEL, NITIN C	
PO BOX 51418			ART UNIT	
PALO ALTO, CA 94303			PAPER NUMBER	
			2116	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,823

Applicant(s)

AKLILU ET AL.

Examiner

Nitin C. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-17 and 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in responsive to amendment filed on 18 January 2005.
2. Claims 2, and 18 have been cancelled.
3. The examiner has accepted a newly submitted title.

Claim Objections

4. Claim 9, is objected to because of the following informalities: In the claim 9 on page 4 after the word "being" is incomplete and missing full stop. It should be "turned off." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3 – 17, and 19 – 36 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Morisawa, US Patent application 2002/0038328 A1.
6. As to claims 1, and 17 Morisawa discloses a system and method for reducing the boot time for a computer [para 0011, on page 1] comprising the steps of:
 - a. supplying power [built-in battery is supplying power, fig. 1] to the computer when the computer is in powered down state [para 0031 on page 2, para0039 on page 2 and 3];

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b. disabling [by turning off] a plurality of input/output [I/O] devices coupled to the computer [para 0056, on page 4, S105 in fig. 5];

c. performing a boot process [performed by BIOS, para 0053 on page 4];

and

d. placing the computer in a suspend to memory state [S3 state], wherein the steps (a) through (d) are performed before a user turns on the computer [para 0058, lines 1 – 2] [para 0050 – 0060 on page 4, fig. 5 – 6].

7. As to claims 11, and 27, As to claims 1, and 17 Morisawa discloses a system and method for reducing the boot time for a computer [para 0011, on page 1] comprising the steps of:

a. supplying power to the computer [para 0031 on page 2];

b. determining [by power status informing function and power controller based on ACPI specification] if the power is supplied to the computer when the computer is in a powered down state [S5] or a suspend to memory state [S3][para 0007 on page 1, and para 0045 on page 3];

c. booting the computer when the power is supplied to the computer when the computer is in a powered down state [S5], wherein the booting step (c) comprises:

(c1) disabling [by turning off] a plurality of [I/O] devices coupled to the computer [para 0056, on page 4, S105 in fig. 5];

(c2) performing a boot process for the computer[performed by BIOS, para 0053 on page 4]; and

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(c3) placing the computer in the suspend to memory state [S3], wherein the steps (c1) through (c3) are performed before a user turns on the computer [suspend to ; and

d. operating the computer in a wake state [S2] if the power [wakeup event when the user turning on power supply] switch is supplied to the computer when the computer is in the suspend to memory state [S3][para 0058, lines 1 – 2, para 0050 – 0060 on page 4, fig. 5 – 6].

8. As to claim 33, Morisawa discloses a computer system [para 0030 on page 2, fig. 1] comprising:

a. a plurality of I/O devices [fig.1]; and
b. a computer coupled to the plurality of I/O devices [fig. 1], the computer comprising:

- (i) a BIOS [stored in BIOS-ROM, parA 0044 ON PAGE 3],
- (ii) a memory [13, main memory, fig. 2], and
- (iii) an OS [para 0034 on page 2, fig. 5 - 8],

wherein when power is supplied to the computer when computer is in a powered down state [a built-in battery supplies power] before a user turns on the computer, the BIOS disables the plurality of I/O devices [by turning off] and performs a boot process for the computer, and the OS places the computer in a suspend to memory state [para 0050 – 0060 on page 4, fig. 5 – 6].

9. As to claims 3, and 19, Morisawa discloses supplying of power by supply AC outlet [para 0031 on page 2].

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10. As to claims 4, 12, 20, 23, and 28, Morisawa discloses performing the boot process for computer by a basic input/output system [BIOS] [para 0039 – 0046 on page 3] and setting of flag by BIOS [setting a status flag of each device, para 0068 on page 5, and para 0078 – 0080 on page 6].

11. As to claims 5, 21, 30, and 34, Morisawa discloses a setting of activation flag F [enable/disable flag] in a register [enable/disable register, para 0078 – 0080 on page 6, fig. 4].

12. As to claims 6, 13, 22, 29, and 35 - 36, Shinichi discloses checking in storage register of memory [checking status flag, para 0068 on page 5] for different scenario of state transition [para 0039 on page 2 – 3, para 0050 – 0059 on page 4, para 0068 on page 5, fig. 4].

13. As to claims 7, and 23, Morisawa discloses that suspend to memory state is an S3 state [para 0050 on page 4].

14. As to claims 8, 14, 24, and 31, Morisawa discloses supplying power to the computer when computer is in the suspend to memory state [S3]; resuming operation of an OS of the computer; checking a flag [state flag] by the OS, wherein the flag indicates whether or not the computer is being booted from a powered down state [S4] [inherent to a power save mode based on ACPI]; enabling the plurality of I/O devices if the flag indicates that the computer is not being booted from the powered down state [S5]; and operating the computer in a wake state [para 0050 – 0060 on page 4, para 0068 on page 5, para 0078 – 0080 on page 6].

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15. As to claims 9 - 10, 15 - 16, 25 - 26 and 32, Morisawa discloses to place computer in suspend to memory state [S3] [fig. 5] and restoring it back to suspend state [S3] by manipulation start/stop switch [fig. 6].

16. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested to the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

17. **Prior Art not relied upon:** Please refer to the references listed in attached PTO-892, which, are not relied upon for rejection since these references are relevant to the claimed invention.

18. Applicant's arguments with respect to claims 1, 3 - 17, and 19 - 36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 6:45 am to 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel
February 16, 2005


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
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